

Message

From: Grevatt, Peter [Grevatt.Peter@epa.gov]
Sent: 2/2/2017 4:41:59 PM
To: O'Connor, Darcy [oconnor.darcy@epa.gov]
CC: Thompkins, Anita [Thompkins.Anita@epa.gov]; Gonzalez, Yvonne V. [Gonzalez.Yvonne@epa.gov]; McClain, Jennifer [McClain.Jennifer@epa.gov]
Subject: RE: Follow-up from OGWDW's bi-weekly with Mike (Region 8 Dewey Burdock)

Will do. Thanks again for your team's great work on this!

From: O'Connor, Darcy
Sent: Thursday, February 02, 2017 10:49 AM
To: Grevatt, Peter <Grevatt.Peter@epa.gov>
Cc: Thompkins, Anita <Thompkins.Anita@epa.gov>; Gonzalez, Yvonne V. <Gonzalez.Yvonne@epa.gov>; McClain, Jennifer <McClain.Jennifer@epa.gov>
Subject: RE: Follow-up from OGWDW's bi-weekly with Mike (Region 8 Dewey Burdock)

Looks great – thanks for briefing this up. Please keep us posted on any response.

Thanks!
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From: Grevatt, Peter
Sent: Thursday, February 02, 2017 6:23 AM
To: O'Connor, Darcy <oconnor.darcy@epa.gov>
Cc: Thompkins, Anita <Thompkins.Anita@epa.gov>; Gonzalez, Yvonne V. <Gonzalez.Yvonne@epa.gov>; McClain, Jennifer <McClain.Jennifer@epa.gov>
Subject: Follow-up from OGWDW's bi-weekly with Mike (Region 8 Dewey Burdock)

Darcy – here is what we intend to send up to Mike Flynn on Dewey Burdock. We pulled this from the material you provided.

Region 8 has prepared draft Class III and V UIC area permits and a proposed aquifer exemption to Powertech (USA) Inc. for a proposed uranium in-situ recovery (ISR) project in South Dakota. These permits will be the first EPA has directly issued for uranium recovery (EPA has primacy in SD). The permit requirements are intended to ensure adequate protection of underground sources of drinking water from fluid injection. Through consultation with EPA, several tribes have raised concerns about potential impacts on historic properties of cultural importance. Following issuance of the draft permits, R8 will provide interested tribes and other stakeholders specific information about how the UIC permits propose to protect USDWs at the site. There will be a 60-day public comment period and four public informational events (including hearings) near the site to allow opportunity for tribes and other stakeholders to provide comments.

Here is a summary of issues that were raised earlier in the process and how they have been addressed by R8:

1. Class I versus Class V Permits for Disposal of Uranium ISR Process Waste Fluids

- Issue: Powertech requested approval to inject into the Deadwood Formation in its Class V permit application. Disposal into this formation, which is below the lowermost USDW, meets the regulatory definition of Class I injection. However, South Dakota has banned Class I injection and Powertech had not applied for a Class I permit.
- Response: Region 8 discussed this issue with Powertech, who voluntarily withdrew its request for injection into the Deadwood Formation. Therefore, EPA's draft permit will only propose Class V injection into the overlying Minnelusa Formation for disposal of ISR process waste fluids.

Ex. 5 Deliberative Process (DP)

3. Part 192 Regulations

- Issue: Do the Part 192 regulations that OAR is developing under the Uranium Mill Tailings Radiation Control Act (UMTRCA) need to be finalized prior to issuing these draft permits?
- Response: UIC proposed decisions on new Class III permits and associated aquifer exemptions need not be delayed while the Part 192 Rule is concurrently in process.

The Part 192 regulations proposed under UMTRCA are independent of, but complement, existing UIC requirements (i.e., Class III and aquifer exemption criteria).

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